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OFFICE OF PETITIONS

In re Application of	:
Pervan	:
Application No. 09/714,514	: DECISION ON PETITION
Filed: February 3, 2003	: UNDER 37 CFR 1.181
Attorney Docket No. 003300-700	:
For: LOCKING SYSTEM AND FLOORING	:
BOARD	:

This is a decision on the petition under 37 CFR 1.181, filed December 18, 2006, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicant's alleged failure to reply within an extendable three month period of the mailing of the June 1, 2006 non-final Office action. The Office contended that this application became abandoned on September 2, 2006. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner asserts that a reply was timely received in the Office on September 8, 2006. In support of this assertion, petitioner has provided a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing September 8, 2006 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included authorization to charge petitioner's deposit account, an amendment, five terminal disclaimers, and a petition for a one month extension of time.

The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on September 8, 2006. MPEP 503. Petitioner has provided a copy of the September 8, 2006 correspondence. It is noted that petitioner's credit card was charged five terminal disclaimer fees and a one month extension of time fee on accounting date September 12, 2006. The mailroom date was September 8, 2006. Accordingly, the petition to withdraw the holding of abandonment is granted.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 3637 for consideration of the amendment filed on September 8, 2006 and resubmitted with the present petition on December 18, 2006.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy